

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN MILLINER

Plaintiff,

v.

DAVID DIGUGLIELMO, *et al.*

Defendants.

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CIVIL ACTION NO. 08-4905

ORDER

AND NOW, this 31st day of January 2014, upon consideration of the Motions for Summary Judgment and all responses and replies thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motions are **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Motion for Summary Judgment of Defendant Raymond Machak is **GRANTED**.
2. The Motion for Summary Judgment of Defendant Myron Stanishefski is **GRANTED**.
3. The Motion for Summary Judgment of Defendant John Zaro is **GRANTED** as to Count II and is otherwise **DENIED**.
4. The Motion for Summary Judgment of Defendant Prison Health Services, Inc., is **GRANTED** as to Count III and is otherwise **DENIED**.
5. The Motions for Summary Judgment are in all other respects **DENIED**.
6. The parties shall submit to the Court within 14 days a joint status report with a statement as to whether they believe a settlement conference before a magistrate judge, mediation

under Local Civil Rule 53.3, or some other form of alternative dispute resolution might be of assistance in resolving the case and, if so, on what form of alternative dispute resolution they agree and by what date they will be prepared to commence such proceedings. The parties also shall provide the Court with a joint proposed schedule for trial.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.